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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,331	07/03/2003	John Eugene Allamon	ARBP068	8022
21912 7590 07/29/2009 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014				
EXAMINER				
HAYLES, ASHFORD S				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
07/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,331

Applicant(s)

ALLAMON ET AL.

Examiner

Ashford S. Hayles

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 4, 2009 has been entered.

Response to Arguments

2. Applicant's arguments, see Remarks, filed May 4, 2009, with respect to claims 1-9, 11 and 14-23 have been fully considered and are persuasive. The prior art reference of Alaia (#6,199,050) has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-9, 11 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Wang (6,604,107) in view of Aoki (PG PUB. 2001/0039531) further in view of Spangler (PG PUB. 2003/0163381).**

As per Claims 1, 11 and 20, Wang teaches a method for:

receiving at least one attribute of at least one item (Column 3, lines 15-20);

using the at least one attribute to identify one or more items included in an electronic database(Column 4, lines 2-9); and

However, Wang fails to disclose creating a lot having a plurality of items, generating a lot listing that includes a plurality of the identified items, wherein the generated lot listing indicates a plurality of items to be auctioned as a lot in an electronic auction.

Wang and Aoki are within the same field of online auctioning. Aoki teaches creating a lot having a plurality of items (§ [0052], lines 65-67 discuss when exhibiting multiple items, an operation to group the multiple items i.e., exhibiting as the grouped items), generating a lot listing that includes a plurality of the identified items(§ [0057], lines 46-49 discuss multiple items are collectively subject to auction as grouped items, individual items composing the grouped items are listed in the item introduction field), and wherein the generated lot listing indicates a plurality of items to be auctioned as a lot in an electronic auction (Figure 4B, Display Field 430).

Therefore it would have been obvious to one of ordinary skill in the art to modify the generic attribute database system of Wang to include the auction system and program as taught by Aoki to be able to group multiple items in a group to be auctioned.

However, the Wang-Aoki combination fails to disclose wherein the lot listing is generated based at least in part on the received attribute.

Spangler teaches wherein the lot listing is generated based at least in part on the received attribute(pg.2, § [0015] discusses the bid criteria may be modified based upon the sub-components associated with the component. That is, if no bid response

associated with a particular component, was acceptable, then the component may be broken down into a plurality of subcomponents. Then, the performance, functional, and cost objectives of the sub-component may be established, and used to objective).

Therefore it would have been obvious to one of ordinary skill in the art to modify the Wang-Aoki combination to include the ability to group components based on established criteria's as taught by Spangler in order to procure a component (Abstract).

As per Claim 2 and 14, Wang teaches, wherein the electronic database comprises an attribute-based electronically searchable list of a plurality of attributes (Column 5, lines 63-67 through columns 6, lines 1-6).

As per Claim 3, Wang teaches wherein the identified listing of items comprises an index of the total number of items per each identified attribute (Column 3, lines 2-5).

As per Claim 4 and 15, Wang further teaches wherein the generating further comprises grouping items with similar characteristics and prices (Column 5, lines 50-52).

As per Claim 5-6 and 16-17, Wang teaches wherein a plurality of attributes are received and the generating comprises selecting the items in the lot listing having all or any of the identified attributes (Column 3, lines 14-20 via an automobile will have some or all of the identified attributes).

As per Claim 7, 18 and 21, Wang teaches at least one attribute comprises at least one of an operation, material, fabrication, process, tolerance, size, weight, specification and any other feature of a part (Column 1, lines 29-30 via size as a displayed attribute).

As per Claim 8, Wang teaches displaying the generated lots in a formatted manner (Figure 6, Attribute Map Table 200).

As per Claim 9, 19, and 22, Wang teaches that items to be auctioned comprise at least one of parts, materials, and components (Column 3, lines 51-62).

As per Claim 23, Wang teaches the computer program product of claim 20. However, Wang fails to disclose wherein a plurality of attributes are received and the generating comprises selecting the items in the lot listing having all of the received attributes.

Aoki teaches wherein a plurality of attributes are received (pg.4, ¶ [0052] discusses information is inputted about items he or she will exhibit at an auction, the Examiner is construing that information about an item is an attribute).

Therefore it would have been obvious to one of ordinary skill in the art to modify the generic attribute database system of Wang to include the auction system and program as taught by Aoki to be able to group multiple items in a group to be auctioned.

However the Wang-Aoki combination fails to disclose the generating comprises selecting the items in the lot listing having all of the received attributes.

Spangler teaches generating comprises selecting the items in the lot listing having all of the received attributes (pg.2, ¶ [0015] discusses the bid criteria may be modified based upon the sub-components associated with the component. That is, if no bid response associated with a particular component, was acceptable, then the component may be broken down into a plurality of subcomponents. Then, the performance, functional, and cost objectives of the sub-component may be established,

and used to develop a modified bid criteria, thus grouping components based on a received attribute).

Therefore it would have been obvious to one of ordinary skill in the art to modify the Wang-Aoki combination to include the ability to group components based on established criteria's as taught by Spangler in order to procure a component (Abstract).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Porat et al. (#7,330,826) discloses a method and business model for a buyer's auction with near perfect information using the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashford S. Hayles whose telephone number is 571-270-5106. The examiner can normally be reached on Monday thru Thursday 8:30 to 4:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571) 272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

/A. S. H./
Examiner, Art Unit 3687